

REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claim 11 is cancelled. Claims 1-2, 5-6, 10, 12, 18 and 20 are amended. Claim 21 is added. Claims 1-10 and 12-21 are pending in the application.

I. Rejection under 35 U.S.C. § 112

In the Office Action, at page 2, claim 6 was rejected under 35 U.S.C. § 112, 2nd paragraph as being indefinite. Claim 6 was amended, and accordingly, withdrawal of the § 112, 2nd paragraph rejection is respectfully requested.

II. Rejection under 35 U.S.C. § 102

In the Office Action, at page 2, claims 1, 10 and 20 were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 4,824,644 to Cox et al. This rejection is respectfully traversed because Cox does not discuss or suggest:

a spacing part provided between the main body and the oven to form a space between the main body and the oven and used to combine the main body and the oven, the spacing part protruding toward the rear part of the oven to form the space in which the insulation member is interposed; and

an insulation member interposed in the space between the main body and the oven,

as recited in amended independent claim 1. Cox further does not discuss or suggest:

a spacing part provided between the frame and the oven to combine the frame with the oven, and to form a predetermined space to interpose an insulation;

wherein the spacing part protrudes towards the frame to form a space in which the insulation member is placed,

as recited in amended independent claim 10. Cox also does not discuss or suggest:

an oven including a rear part and a side part accommodated in the oven compartment, and separated by a space from the frame, the space being formed by a spacing part protruding toward the frame; and

an insulation provided between the frame and the oven which combines the frame with the oven,

as recited in amended independent claim 20.

As a non-limiting example, the present invention as set forth in claims 1-21, for example, is directed to a bread maker for making bread from dough that includes a main frame body having an oven compartment for receiving an oven. The oven includes a rear and side part. A spacing part is provided between the main frame and the oven to form a space between the frame and the oven. The spacing part is used in combining the main body and the oven. The spacing part protrudes toward the frame from the rear part of the oven. An insulation member is interposed in the space formed by the spacing part between the main frame and the oven. The spacing part may also protrude toward the frame from the side part of the oven.

Cox discusses a hot air sterilizing device that includes an inner housing 124 having front, top, bottom and side walls 126, 128, 130, 132 and 134. A circulating fan, duct and heating coil assembly 164 are secured to the inner housing 124. The inner housing 124 is thereafter received within an insulating jacket structure 182. Each of the walls of the insulating jacket 182 is defined by a hollow, flexible outer shell having outer and inner portions 198 and 200, and a suitable flexible insulating material 202 captively retained in the internal pocket defined between the shell portions 198 and 200. Cox does not discuss or suggest that a spacing part is provided between the insulating jacket structure 182 and the inner housing 124 to form a space between the main body and the inner housing 124 where the spacing part is used to combine the jacket structure 182 with the inner housing 124 that includes the secured heating coil assembly. Cox further does not discuss or suggest that the spacing part protrudes toward the rear part of the inner housing 124. The spacing part cited by the Examiner is merely discussed as the crimped sections. The crimped sections that hold the insulating material are not a spacing part that protrudes toward the rear part of housing 124, where the rear part, as alleged by the Examiner, is rear wall 136. Cox does not discuss or suggest that the insulation member is interposed in the space formed by the spacing part protruding toward the rear part of the inner housing 124.

Additionally, Cox does not discuss or suggest that the spacing part, provided between the frame and the heating oven, protrudes toward the frame to form the space in which the insulation member is placed. The crimped sections in Cox are not a spacing part that is provided between the inner housing 124 and the jacket structure 182 to form a predetermined space to interpose an insulation, where the spacing part protrudes toward the jacket structure 182. Further, Cox does not discuss or suggest that insulation provided between the jacket structure 182 and the inner housing 124 combines the jacket structure 182 and the inner housing 124. Cox merely discusses that the inner housing 124 is received within the jacket structure 182, the jacket structure 182 holding the inner housing 124 and including shell portions

198 and 200 which captively retain the insulating material 202. Cox does not discuss or suggest that the insulating material combines the jacket structure 182 and the inner housing 124.

Therefore, as Cox does not discuss or suggest “a spacing part...used to combine the main body and the oven, the spacing part protruding toward the rear part of the oven to form the space in which the insulation member is interposed; and an insulation member interposed in the space between the main body and the oven,” as recited in amended independent claim 1, does not discuss or suggest “a spacing part provided between the frame and the oven to combine the frame with the oven, and to form a predetermined space to interpose an insulation; wherein the spacing part protrudes towards the frame to form a space in which the insulation member is placed,” as recited in amended independent claim 10, and does not discuss or suggest “an oven...separated by a space from the frame, the space being formed by a spacing part protruding toward the frame; and an insulation provided between the frame and the oven which combines the frame with the oven,” as recited in amended independent claim 20, claims 1, 10 and 20 patentably distinguish over the reference relied upon. Accordingly, withdrawal of the § 102(b) rejection is respectfully requested.

III. Rejections under 35 U.S.C. § 103

In the Office Action, at page 3, claims 2-9 and 11-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cox in view of U.S. Patent No. 4,924,072 to Oslin. This rejection is respectfully traversed.

As discussed above, Cox does not discuss or suggest that the spacing part protrudes from the rear part of the oven in the direction of the rear part toward the main body of the bread maker, as recited in claims 1 and 10. Oslin fails to make up for the deficiencies in Cox. Oslin discusses a forced-air convection oven in which insulation 34 is placed throughout the interior of the door 22 of the oven, except in a region occupied by a spring 184 and a cam 202. Spacers 212 and the insulation 34 provide structural support and separation of parts of the door 22. Oslin does not, however, discuss or suggest that a spacing part protrudes from the rear part of the oven in the direction of the rear part toward the main body of the bread maker. Oslin further does not discuss or suggest that a spacing part is used to form a space in which insulation is interposed and that the spacing part and insulation are used to combine the oven with the frame of the bread maker.

In addition, the Examiner alleges that “it would have been obvious to one skilled in the art to substitute the spacing member of Cox with that disclosed by Oslin, in order to provide an alternative means for providing a space between the oven and main body.” However, it is

unclear as to how “to provide an alternative means for providing a space between the oven and main body” would be an adequate motivation to suggest the combination of an air sterilizing device that includes a jacket of insulating material maintained within the side of the jacket with a forced-air convection oven that merely uses spacers to maintain structural support and separation of part of a door to teach the features of independent claims 1 and 10. Specifically, it is unclear as to how the motivation cited by the Examiner would suggest a spacing part protruding toward the rear part of the oven to form the space in which an insulation member is to be interposed.

Therefore, as Cox does not discuss all the features of amended independent claims 1 and 10, Oslin fails to make up for the deficiency in Cox, and the motivation cited by the Examiner to combine Cox and Oslin is inadequate to suggest all the features of claims 1 and 10, as is required in making a *prima facie* case of obviousness, independent claims 1 and 10 patentably distinguish over the references relied upon. Claims 2-9 and 11-19 depend either directly or indirectly from independent claims 1 and 10 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 3 recites that “the spacing part protrudes towards the side part of the oven to form the space in which the insulation member is interposed, at least one second protruding part formed with a second screw hole; and at least one second screw passing through the main body and inserted into the second screw hole of the respective second protruding part.” Therefore, claims 2-9 and 11-19 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

In the Office Action, at page 3, claims 5-7, 15 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cox in view of U.S. Patent No. 4,757,181 to Sakamoto et al. This rejection is respectfully traversed.

As discussed above, Cox does not discuss or suggest that the spacing part protrudes from the rear part of the oven in the direction of the rear part toward the main body of the bread maker. Sakamoto fails to make up for the deficiencies in Cox. Sakamoto discusses a weighing apparatus combined with a heating oven to control heating power. Sakamoto shows in Fig. 4 a pair of rails 6a and 6b that support a tray 4 within heating cavity 5. Sakamoto does not discuss or suggest providing a spacing part that protrudes from the rear part of an oven in the direction of the rear part toward the frame or main body of a bread maker. It is unclear from the Examiner’s comments as to which brackets are being referred to as a spacing member between

an oven and an oven main body. Sakamoto further does not discuss or suggest that the spacing part protruding toward the frame is used to form a space to interpose an insulation member therebetween.

Further, the Examiner alleges that “it would have been obvious to one skilled in the art to substitute the spacing member of Cox with that disclosed in Sakamoto, in order to provide an alternative means for providing a space between the oven and main body.” However, it is unclear as to how “to provide an alternative means for providing a space between the oven and main body” would be an adequate motivation to suggest the combination of an air sterilizing device that includes a jacket of insulating material maintained within the side of the jacket with a weighting apparatus with an oven that merely shows rails supporting a tray to teach the features of independent claims 1 and 10. Specifically, it is unclear as to how the motivation cited by the Examiner would suggest a spacing part protruding toward the rear part of the oven to form the space in which an insulation member is to be interposed.

Therefore, as Cox does not discuss all the features of amended independent claims 1 and 10, Sakamoto fails to make up for the deficiency in Cox, and the motivation cited by the Examiner to combine Cox and Sakamoto is inadequate to suggest all the features of claims 1 and 10, as is required in making a *prima facie* case of obviousness, independent claims 1 and 10 patentably distinguish over the references relied upon. Claims 5-7, 15 and 18 depend either directly or indirectly from independent claims 1 and 10 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 7 recites that “the spacing part protrudes towards the side part of the oven to form the space in which the insulation member is interposed; at least one second bracket formed with a second screw hole; and at least one second screw passing through the main body and inserted into the second screw hole of the respective second bracket.” Therefore, claims 5-7, 15 and 18 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

IV. New Claim

New claim 21 recites a bread maker including an oven comprising having “a frame to form the oven compartment; a kneading system including at least one kneading drum for kneading dough; an oven including a rear part and a side part accommodated in the oven compartment, and separated by a space from the frame, the oven providing heat to make bread from the dough; and an insulation provided between the frame and the oven which combines the

frame with the oven." Nothing in the references relied upon discusses or suggests such. Therefore, claim 21 patentably distinguishes over the references relied upon.

Conclusion

In accordance with the foregoing, claims 1-2, 5-6, 10, 12, 18 and 20 have been amended. Claim 11 has been cancelled. Claim 21 has been added. Claims 1-10 and 12-21 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

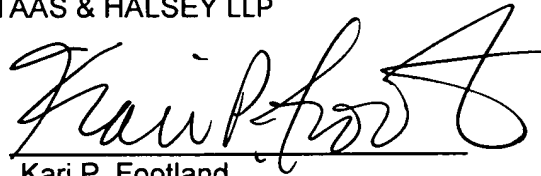
Respectfully submitted,

STAAS & HALSEY LLP

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8/15/06

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